

NOVEMBER 14, 2011 SPECIAL TOWN MEETING – CONSOLIDATED MOTIONS DOCUMENT

ARTICLE 3 – MOTION 1

To transfer the sum of \$34,800 from the Parking Meter Receipts Account to Traffic & Parking Operations expenses (27293200-530900) to complete a study of the traffic signals along Washington Street, Central Street, and Linden Street; said sum to be in addition to the amount voted under Motion 1, Article 8 of the Warrant for the 2011 Annual Town Meeting.

ARTICLE 4 – MOTION 1

That the Salary Plan as established at the 1950 Annual Town Meeting as amended, be further amended as recommended by the Human Resources Board by striking the existing Pay Schedules for and Local 1795, International Association of Firefighters and inserting the new Pay Schedule as follows:

Effective July 1, 2011 (1%)

Classification	1st Step	2nd Step	3rd Step	4th Step
Captain of Special Services	1,262.41	1,336.88	1,411.17	1,485.44
Captain	1,179.82	1,249.42	1,318.86	1,388.26
Lieutenant	1,005.25	1,064.31	1,123.49	1,182.59
Firefighter	874.10	925.55	976.85	1,028.32

Effective July 1, 2012 (1.5%)

Classification	1st Step	2nd Step	3rd Step	4th Step
Captain of Special Services	1,281.35	1,356.93	1,432.34	1,507.72
Captain	1,197.52	1,268.16	1,338.64	1,409.08
Lieutenant	1,020.33	1,080.27	1,140.34	1,200.33
Firefighter	887.21	939.43	991.50	1,043.74

Effective July 1, 2013 (2%)

Classification	1st Step	2nd Step	3rd Step	4th Step
Captain of Special Services	1,306.98	1,384.07	1,460.99	1,537.87
Captain	1,221.47	1,293.52	1,365.41	1,437.26
Lieutenant	1,040.74	1,101.88	1,163.15	1,224.34
Firefighter	904.95	958.22	1,011.33	1,064.61

ARTICLE 5 – MOTION 1

That the Town revoke its acceptance of Section 48 of Chapter 31 of the General Laws voted under Article 27 of the Warrant for the 1922 Annual Meeting, thereby removing the fire department from the provisions of the Civil Service Laws.

ARTICLE 6 – MOTION 1

That the sum of \$819,975 is hereby appropriated to construct a building addition to the Municipal Light Plant's ("MLP") garage and warehouse for office space for the MLP's engineering and administrative staff and for customer service personnel, to be expended under the direction of the Permanent Building Committee; said sum to be raised by a transfer of \$819,975 from MLP cash; The Permanent Building Committee being authorized to take all action necessary to complete said project.

ARTICLE 8 – MOTION 1

That \$665,000 be appropriated to the Fuller Brook Park Coordinating Committee for the Final Design (Phase 3, so called) of the Fuller Brook Park Preservation Master Plan, said appropriation to be funded entirely from balances on hand in the Community Preservation Fund Historic Resources Reserve.

ARTICLE 9 – MOTION 1

That the Town hereby authorizes the Board of Selectmen to petition the General Court for special Home Rule Legislation authorizing said Board, as the local licensing authority, notwithstanding any general or special law to the contrary, upon voter approval, to grant licenses for the sale of all alcoholic beverages, subject to the limitation on number as provided in Section 17 of Chapter 138 of the General Laws, and also no more than twelve licenses for the sale of wine and malt beverages, to restaurants and function rooms having a seating capacity of at least fifty seats.

ARTICLE 10 – MOTION 1

That the Town vote to accept Chapter 6, Section 172B½ of the General Laws enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses;

And further, that the Town Bylaws be amended by inserting the following in Article 49. Police Regulations:

49.36 Fingerprint-Based Criminal Record Background Checks

49.36.1 Purpose and Authorization

In order to protect the health, safety, and welfare of the inhabitants of the Town of Wellesley, and as authorized by Chapter 6, section 172B ½ of the Massachusetts General Laws as enacted by Chapter 256 of the Acts of 2010, this by-law shall require a) applicants for certain Town licenses permitting the engagement in specific occupational activities within the Town as enumerated in Section 49.36.2 below to submit to fingerprinting by the Wellesley Police Department, b) the Police Department to conduct criminal record background checks based on such fingerprints, and c) the Town to consider the results of such background checks in determining whether or not to grant a license.

The Town authorizes the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Systems (DCJIS), and the Federal Bureau of Investigation (FBI) as may be applicable to conduct on the behalf of the Town and its Police Department fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this by-law. The Town authorizes the Police Department to receive and utilize FBI records in connection with such background checks, consistent with this by-law.

49.36.2 Applicant's Submission to Fingerprinting by the Wellesley Police Department

Any applicant for a license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Wellesley Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

Manager of Alcoholic Beverage License
Hawker and Peddler
Owner or Operator of Public Conveyance
Dealer of Second-Hand Articles
Ice Cream Truck Vendor

At the time of fingerprinting, the Police Department shall notify the individual fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records.

49.36.3 Police Department Processing of Fingerprint-Based Criminal Record Background Checks and Communication of Results

The Police Department shall transmit fingerprints it has obtained pursuant to Section 49.36.2 of this by-law to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks of license applicants specified in Section 49.36.2.

The Police Department shall provide the applicant with a copy of the results of his or her fingerprint-based criminal record background check and supply the applicant the opportunity to complete or challenge the accuracy of the information contained in it, including in the FBI identification record. The Police Department shall also supply applicants with information regarding the procedures for obtaining a change, correction, or updating of a criminal record, including a copy of 28 C.F.R. Part 16.34 pertaining to FBI identification records. The Police Department shall not utilize the fingerprint-based criminal record background check pursuant to the paragraph below until it has taken the steps detailed in this paragraph and otherwise complied with the Town's policy applicable to Town licensing-related criminal record background checks.

The Police Department shall communicate the results of fingerprint-based criminal record background checks to the applicable licensing authority within the Town. The Police Department shall indicate whether the applicant has been convicted of, or is awaiting final adjudication for, a crime that bears upon his or her suitability, or any felony or misdemeanor that involved force or threat of force, controlled substances or a sex-related offense.

49.36.4 Reliance on Results of Fingerprint-Based Criminal Record Background Checks

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in Section 49.36.2. A Town licensing authority may deny an application for a license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed occupational activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination. The licensing authority shall not deny a license based on information in a criminal record unless the applicant has been afforded a reasonable time to correct or complete the record or has declined to do so.

49.36.5 Compliance with Law, Regulation, and Town Policy

Implementation of this by-law and the conducting of fingerprint-based criminal record background checks by the Town shall be in accordance with all applicable laws, regulations, and Town policies, including, but not limited to, the Town's policy applicable to licensing-related criminal record background checks which shall include record retention and confidentiality requirements. The Town shall not disseminate the results of fingerprint-based criminal background checks except as may be provided by law, regulation, and Town policy. The Town shall not disseminate criminal record information received from the FBI to unauthorized persons or entities.

49.36.6 Fees

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be one hundred dollars (\$100). A portion of the fee, as specified in Mass. Gen. Laws Chapter 6, Section 172B 1/2, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

This by-law shall take effect May 4, 2012.

ARTICLE 13 – MOTION 1

To rescind \$1,998,000 in unused borrowing authorization approved as follows:

Amount

<u>Authorized</u>	<u>Article/(Motion)</u>	<u>Authorized</u>	<u>Purpose</u>
\$1,998,000	19/(1)	4/30/07	MLP Garage

And to rescind \$917,000 in unused borrowing authorization approved as follows:

Amount

<u>Authorized</u>	<u>Article/Motion</u>	<u>Authorized</u>	<u>Purpose</u>
\$7,417,000	19/(1)	4/30/07	Water/Sewer garage

such amounts being no longer needed to complete the projects for which they were initially authorized and which sums were never borrowed.